

KIRTON LAW FIRM

Marlon G. Kirton, Esq.

*Nassau County:
175 Fulton Avenue, Suite 305
Hempstead, New York 11550
Tel. # (516) 833-5617
Fax # (516) 833-5620*

August 24, 2023

VIA ELECTRONIC FILING

Hon. Paul G. Gardephe
United States District Court
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *U.S. v. Humbei Amarvel Biotech Co., LTD, et al., 23 cr. 302 (PGG)*

Dear Judge Gardephe:

I represent Yiyi Chen in the above-referenced matter. I propose a trial date for the second quarter of 2024. Furthermore, I propose that all pretrial motion practice commence and be completed in the first quarter of 2024.

BACKGROUND

Ms. Chen was presented in the Southern District of New York on June 26, 2023.¹ This Court arraigned Ms. Chen on June 28, 2023.² Ms. Chen was remanded on consent.³ The parties litigated the bond issue, but the defense request for the bond was denied.⁴ Ms. Chen remains remanded without bail at the Metropolitan Detention Center (MDC).

REQUEST

Ms. Chen is a 31-year-old Chinese citizen with no known criminal record. She is charged with several non-violent felonies but is held without bail at the MDC. Since her incarceration, MDC has had several problems, including but not limited to: 1. Frequent lockdowns, 2. The air conditioning in her unit was out for several weeks during the July heat wave, 3. The hot water

¹ *US PACER Docket Entry #10.*

² *US PACER Docket Entry #21.*

³ *Id.*

⁴ *US PACER Docket Entries#11,16,19, 20 and 25.*

unit is currently not working, 4. More than 60 additional inmates from other federal facilities were housed in her unit, causing overcrowding, and 5. She couldn't call her parents for a few days in July.⁵ I suspect the conditions at the MDC will continue to be challenging for Ms. Chen. I do not want her to spend more than a year in custody pending a resolution of her case.

I propose that this Court set a trial date for the second quarter of 2024 and set motions for the first quarter of 2024. This schedule should give the parties time to review the discovery, discuss settlement, and prepare for trial. I discussed this matter with co defendant's counsel two weeks ago. I have not discussed this matter with Mr. Wang's newly retained counsel. The only variables concerning this request may be 1. Ms. Chen's access to discovery at the MDC, 2. My ability to retrieve records from China, and 3. Objections from Mr. Wang's newly retained counsel.

Please contact me if you have any questions or concerns.

Sincerely,

Marlon Kirton
Marlon G. Kirton, Esq.

cc: To All Counsel via electronic filing.

⁵ All these issues were raised with the Government, except the overcrowding issue.